REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED.

EXHIBIT 6

GIBSON DUNN

October 12, 2020

<u>VIA ELECTRONIC MAIL</u>

Ted Wojcik
Hagens Berman Sobol Shapiro LLP
1301 Second Ave., Ste. 2000
Seattle, WA 98101

Rachele Byrd
Wolf Haldenstein Adler Freeman & Herz LLP
750 B St., Ste. 1820
San Diego, CA 92101

Re: *In re Apple iPhone Antitrust Litigation*, No. 4:11-cv-06714-YGR; *Cameron v. Apple Inc.*, No. 4:19-cv-03074-YGR
        Data Discovery

Dear Ted and Rachele:

I am writing in response to your letter of September 29, 2020 concerning data discovery in the above-captioned cases. That 12-page letter was sent 23 days after Apple produced, at your request, a second data sample of 100 million records. In this letter, we respond to many of the questions about the second sample production in your letter, and we are happy to discuss them with you. But your letter also includes brand new requests, found nowhere in your RFPs, and not based on any new information in our sample production, apparently based on information that has been available to you over the past eight months that we have been meeting and conferring about structured data. As stated in my email of September 10, the purpose of the sample was to resolve any issues with the data before the full production; it was not an invitation for Plaintiffs to belatedly invent new data requests. In the same email, I stated that additional requests from Plaintiffs could increase the time required to complete the full production, and indeed it is taking us time to investigate the new questions and requests in your letter. To the extent this causes delay in the production of transactional data, the delay is yours. I also note that numerous questions in your September 29 letter were already answered in previous correspondence that I sent you over two months ago.

Please see below responses to your questions that we are able to share at this point.

GIBSON DUNN

Ted Wojcik
Rachele Byrd
October 12, 2020
Page 2

A. Transactions included and excluded from sample data

- Question: The only value of ███████████████ that appears in Apple's second sample is "USD." Did Apple purposefully limit the second sample to transactions where royalties were paid in USD? If so, is that because Apple plans only to produce data where royalties were paid in USD?

    o Apple Response: This question is more appropriate for deposition, but we can reiterate that the production is only from data on transactions made through the App Store's U.S. storefront.

- Question: The value of ████████████████ in the "pepper-fact" table ██████████
██
██
██? If so, is that because Apple plans only to produce information with respect to these consumers?

    o Apple Response: This question is more appropriate for deposition, but we can reiterate that the production is only from data on transactions made through the App Store's U.S. storefront.

- Question: The ████████ variable in the "pepper-content-provider" table suggests that many of the included content providers reside outside of the United States. Has Apple limited the data in any way to developers who reside in the United States?

    o Apple Response: No, Apple has not limited the data to developers who reside in the United States, which should already be clear from your question. But we can again reiterate that the production is only from data on transactions made through the App Store's U.S. storefront.

- Question: Can Apple confirm that the final data will include all distribution transactions/purchases related to iMessage and Apple Watch apps?

    o Apple Response: Apple confirms that the final data will include distribution transactions/purchases related to iMessage and Apple Watch apps.

GIBSON DUNN

Ted Wojcik
Rachele Byrd
October 12, 2020
Page 3

B.   Questions about particular variables

- Question: Plaintiffs surmise that the ▮▮▮▮ variable indicates the price-per-unit multiplied by the ▮▮▮▮ whereas the ▮▮▮▮ variable indicates only the royalty-per-unit. . . . Can Apple please . . . confirm that Plaintiffs have correctly interpreted the meanings of the ▮▮▮▮ and ▮▮▮▮ variables in the second sample[?]

    o   Apple Response: This question is more appropriate for deposition.

- Question: Can Apple please . . . explicitly state the formulas used to calculate any variables relating to billings or royalties in its final production.

    o   Apple Response: Apple will not provide this information as it is not relevant or responsive to Plaintiffs' discovery requests. It is too late in the meet and confer process for Plaintiffs to insert such a request.

- Question: One of the most common values for ▮▮▮▮ is -1, which corresponds to the ▮▮▮▮ Do such transactions indicate that the consumer used credits that had been redeemed via a gift card?

    o   Apple Response: This question is more appropriate for deposition.

- Question: The ▮▮▮▮ variable in the "pepper-rptg-txn-type" table indicates that developer royalties are sometimes "waived." What are the conditions under which royalties are waived in the App Store?

    o   Apple Response: This question is more appropriate for deposition.

- Question: The ▮▮▮▮ variable in the "pepper-rptg-txn-type" table distinguishes between situations in which there is a "Code Used" versus "No Code." What types of "Code" do these variables refer to?

    o   Apple Response: On August 2, 2020, I sent you a one-page PDF document that sets forth this information.

- Question: What is the difference between the values of ▮▮▮▮ that correspond to the same value of ▮▮▮▮ in the "pepper-content-type" variable?

GIBSON DUNN

Ted Wojcik
Rachele Byrd
October 12, 2020
Page 4

- o ███████████████████████████████

  - • Apple Response: On August 2, 2020, I sent you a one-page PDF document that sets forth this information.

- o ███████████████████████████████

  - • Apple Response: On August 2, 2020, I sent you a one-page PDF document that sets forth this information.

- o ███████████████████████████████

  - • Apple Response: On August 2, 2020, I sent you a one-page PDF document that sets forth this information.

- o ███████████████████████████████

  - • Apple Response: On August 2, 2020, I sent you a one-page PDF document that sets forth this information.

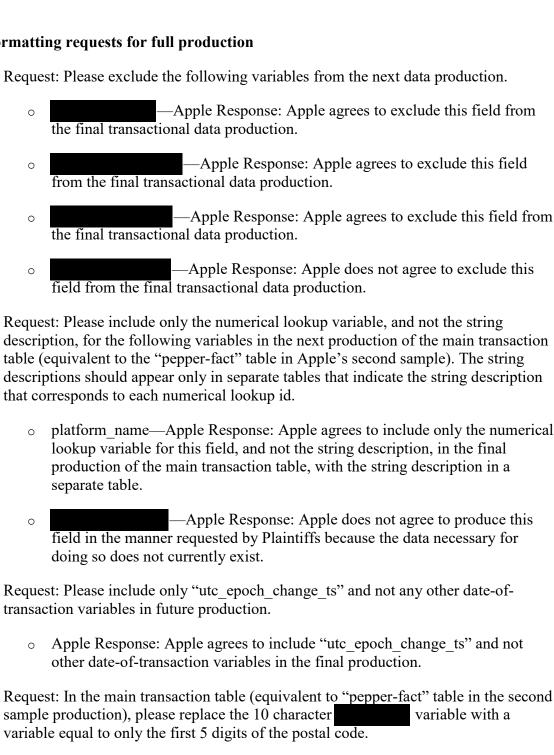- Question: The value of ███████████████████████ ████ Is that accurate, or a data error? Is there a reason why this variable's value is missing for so many observations?

  - o Apple Response: On August 2, 2020, I sent you a one-page PDF document that sets forth some of this information. It is otherwise a question more appropriate for deposition.

GIBSON DUNN

Ted Wojcik
Rachele Byrd
October 12, 2020
Page 5

C.   Formatting requests for full production

- Request: Please exclude the following variables from the next data production.

  - ███████████—Apple Response: Apple agrees to exclude this field from the final transactional data production.

  - ███████████—Apple Response: Apple agrees to exclude this field from the final transactional data production.

  - ███████████—Apple Response: Apple agrees to exclude this field from the final transactional data production.

  - ███████████—Apple Response: Apple does not agree to exclude this field from the final transactional data production.

- Request: Please include only the numerical lookup variable, and not the string description, for the following variables in the next production of the main transaction table (equivalent to the "pepper-fact" table in Apple's second sample). The string descriptions should appear only in separate tables that indicate the string description that corresponds to each numerical lookup id.

  - platform_name—Apple Response: Apple agrees to include only the numerical lookup variable for this field, and not the string description, in the final production of the main transaction table, with the string description in a separate table.

  - ███████████—Apple Response: Apple does not agree to produce this field in the manner requested by Plaintiffs because the data necessary for doing so does not currently exist.

- Request: Please include only "utc_epoch_change_ts" and not any other date-of-transaction variables in future production.

  - Apple Response: Apple agrees to include "utc_epoch_change_ts" and not other date-of-transaction variables in the final production.

- Request: In the main transaction table (equivalent to "pepper-fact" table in the second sample production), please replace the 10 character ███████ variable with a variable equal to only the first 5 digits of the postal code.

GIBSON DUNN

Ted Wojcik
Rachele Byrd
October 12, 2020
Page 6

- o   Apple Response: Apple is under no obligation to revise its data from the state in which it currently exists for production to Plaintiffs, but if Plaintiffs would like to revise the data, you may do so on your end.

D.   Requests for additional data

- Plaintiffs request . . . [a] variable that indicates the amount of any commission paid to an affiliate who is credited for such transaction.

  - o   Apple Response: ███████████████████████████████

- Plaintiffs request . . . [a] variable that indicates the amount of any applicable tax applied to that transaction, such as sales tax. When this data is produced, please specify the formula for the tax variable.

  - o   Apple Response: Apple agrees to produce data concerning amounts of tax applied to transactions in the final production. However, Apple will not provide formulas used for calculating taxes because they are not relevant or responsive to Plaintiffs' discovery requests. It is too late in the meet and confer process for Plaintiffs to insert such a request.

- Request: Please include the variable that indicates whether a subscription is for a free trial in the next production of the "pepper-subscription-source" table.

  - o   Apple Response: Plaintiffs should be able to ascertain whether a consumer obtained a subscription for free by looking at whether a zero-dollar amount was paid for the subscription.

- Request: Please include the unique numerical variable to correspond to each ████████████████████ in the "pepper-subscription-source" table.

  - o   Apple Response: Apple does not see why Plaintiffs would need this type of data. Is your purpose here to reduce the production size? Apple has already gone to great lengths and has agreed to many Plaintiff requests in order to make the production size smaller. Apple is not inclined to agree to produce the variable belatedly requested here.

- Request: Please include any fields in the transactional data that relate to Apple's costs of operating the App Store.

GIBSON DUNN

Ted Wojcik
Rachele Byrd
October 12, 2020
Page 7

- o Apple Response: Outside of fields that Apple has already agreed to produce to you, the transactional database does not contain costs data. We are producing to you documents and data from other sources that are responsive to your RFPs relating to costs.

- Request: Plaintiffs also request . . . [a] table that indicates the name and specifications (RAM, screen size) of each device that corresponds to each ███████████

  - o Apple Response: We are investigating the feasibility of including device name information paired with each transaction. But device specifications are not relevant or responsive to Plaintiffs' discovery requests, and it is too late in the meet and confer process for Plaintiffs to insert such a request.

- Request: Plaintiffs also request . . . [a]ny data tables where Apple collects and organizes monthly, quarterly, or annual sales and costs related to the App Store transactions represented by the transactional data sample. This should include the most disaggregated form(s) of any App-Store-related sales and cost data that Apple ultimately aggregates with other products and services when reporting sales, costs, and margins in the Annual 10-K reports filed with the Securities and Exchange Commission.

  - o Apple Response: The information requested here does not exist in the transactional database. Apple is producing to you documents and data from other sources that are responsive to your RFPs relating to costs and financial information.

We are investigating the other questions and requests included in your September 29, 2020 letter.

Sincerely,

Eli M. Lazarus

EML/eml

104090740.8